

October 10, 2022

Via ECF

Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Plaintiffs respectfully oppose Credit Suisse's request for a two-week adjournment of the long-planned trial in this matter. While it is unfortunate that one of Credit Suisse's attorneys has contracted COVID-19, this Court noted in *U.S. Airways v. SABRE*: "And I'll just say that if someone gets sick, unless everyone gets sick, we're going forward. So please take good care of yourselves or else you'll leave your colleagues with more responsibilities." *U.S. Airways Inc. v. SABRE Holdings Corp.*, No. 11-cv-02725-LGS-JLC (ECF No. 1195) at 2-3. Credit Suisse apparently chose to rely on one attorney to handle the bulk of its defense, even though it had additional experienced trial counsel enter appearances as far back as March 2022. *See* ECF Nos. 1662 & 1664.

While the loss of one of Credit Suisse's trial counsel is a hardship, adjourning this case now, would work greater prejudice on Plaintiffs. The Court set this trial date back in February 2022 and previously denied adjournment. Since then, a tremendous amount of hard work has gone into this case. Plaintiffs' attorneys, staff, and experts have relocated to New York to try this case starting October 11. An eleventh-hour adjournment of two weeks would cause Plaintiffs to suffer the additional expense and burden of either having them continue to reside in New York or traveling back home, including to Europe. Third-party witnesses may not be available or willing to appear in two weeks' time. And there is simply no guarantee that one or more of those persons will not get sick. Finally, Plaintiffs do not know if the Court's calendar can simply push this case back two weeks. This nine-year old case needs to see its day in Court.

For these reasons, Plaintiffs respectfully oppose Credit Suisse's request for an adjournment.

Respectfully submitted,

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